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Attorneys for Purple Innovation, LLC

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

**PURPLE INNOVATION, LLC, A
Delaware limited liability company,**

Plaintiff,

v.

**HONEST REVIEWS, LLC, a Florida
Corporation, RYAN MONAHAN, an
individual, GHOSTBED, INC., a
Delaware corporation, MARC
WERNER, an individual, ASHLEY
WERNER, an individual, WERNER
MEDIA PARTNERS, LLC, d/b/a
NATURE'S SLEEP, LLC, an Illinois
limited liability company, and SOCIAL
MEDIA SHARKS, LLC, a Florida limited
liability company,**

Defendants.

**MOTION TO ESTABLISH AMOUNT OF
ATTORNEYS' FEES AND COSTS
AWARDED AS SANCTIONS AGAINST
DEFENDANTS GHOSTBED, INC.,
RYAN MONAHAN, AND HONEST
REVIEWS, LLC**

Case No.: 2:17-cv-00138-DB

Honorable Dee Benson

Plaintiff Purple Innovation, LLC (“Plaintiff” or “Purple”), by and through its counsel of record MAGLEBY CATAXINOS & GREENWOOD, respectfully moves the Court to establish the amount of attorneys’ fees and costs awarded to Purple as sanctions against Defendants GhostBed, Inc., Ryan Monahan, and Honest Mattress Reviews, LLC (collectively, “Defendants”) under the Court’s February 12, 2018 Memorandum Decision and Order (the “Sanctions Order”). [[Dkt. No. 292](#)].

District courts have “broad discretion to calculate fee awards” granted as sanctions under their inherent powers. [*Goodyear Tire & Rubber Co. v. Haeger*, 137 S. Ct. 1178, 1184 \(2017\)](#). Fees and costs awarded as sanctions should be limited to those reasonably incurred as a result of the sanctioned parties’ bad faith conduct. See [id.](#)

The Sanctions Order in this case limits the recoverable amount of attorney’s fees and costs to those incurred by Purple in pursuing (1) Purple’s second Motion for Preliminary Injunction [[Dkt. No. 115](#)] (the “PI Motion”) and (2) its Motion for Sanctions [[Dkt. No. 222](#)] (the “Sanctions Motion”). As the Court has already determined, those fees and costs would not have been incurred but for the sanctioned conduct in this case, i.e., the misrepresentations and half-truths told by Marc Werner and Ryan Monahan at the outset of this case. Moreover, as set forth in the Declaration of Christine T. Greenwood attached as Exhibit 1, the attorneys’ fees reasonably incurred by Purple in connection with the Second Preliminary Injunction Motion and the Sanctions Motion have been properly allocated to include only tasks associated with the pursuit of the motions. As indicated in the declaration, Purple seeks attorneys’ fees and costs in the amount of \$252,226.25.

In conclusion, Purple respectfully requests that the Court award Purple \$252,226.25 in attorneys' fees for the sanctions granted under the Sanctions Order.

DATED this 22nd day of March, 2018.

MAGLEBY CATAXINOS & GREENWOOD

/s/ Christine T. Greenwood

James E. Magleby
Christine T. Greenwood
Adam Alba
Attorneys for Plaintiff Purple Innovation, LLC

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the law firm of MAGLEBY CATAXINOS & GREENWOOD, 170 South Main Street, Suite 1100, Salt Lake City, Utah 84101, and that, pursuant to Rule 5 of the Federal Rules of Civil Procedure, I served a true and correct copy of the foregoing **MOTION TO ESTABLISH AMOUNT OF ATTORNEYS' FEES AND COSTS AWARDED AS SANCTIONS AGAINST DEFENDANTS GHOSTBED, INC., RYAN MONAHAN, AND HONEST REVIEWS, LLC** upon the following via ECF this 22nd day of March, 2018:

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